

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the specification because "a" on line 24 of page 1 should be --as-- and "form" on line 21 of page 25 should be --from--. In response, the specification has been amended as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In the Official Action, the Examiner rejects claims 6 and 12 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner argues that the phrase "performs split processing... split in a time series in accordance with the priority information" is not disclosed in the specification. In response, Applicants respectfully submit that claims 6 and 12 are fully supported in the specification, e.g., at pages 44-46 corresponding to Figure 29 of the drawings. Accordingly, it is respectfully requested that the rejection of claims 6 and 12 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 1-12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claims 1-12, the Examiner argues that the first and second medical devices are inferentially recited in the claims and the Examiner cannot determine if they are being positively recited or functionally recited in the claims. Thus, the Examiner suggests either positively reciting the first and second medical devices in the claim or using functional language (such as "for" or "adapted to be"). In response, claim 1 has been amended to add functional language as suggested by the Examiner.

Furthermore, the Examiner argues that the phrases "is accomplished" in claim 7 and "the control circuit controls...on the basis of priority information" in claim 8 should be in the active voice. In response, claims 7 and 8, have been amended as suggested by the Examiner.

Accordingly, it is respectfully requested that the rejection of claims 1-12 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 1-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,642,836 to Wang et al., (hereinafter "Wang").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 102(e) for at least the reasons set forth below.

In the Official Action, the Examiner argues that Wang discloses all of the features of independent claims 1 and 7. Applicants respectfully disagree.

Claim 1 recites a first communications control unit adapted to utilize communications of a first protocol and a second communications control unit adapted to utilize communications of a second protocol that differs from the first protocol (emphasis added). Claim 7 recites controlling transmission and reception using a first communications control circuit which transmits and receives data to and from a first medical device which is used to perform medical treatments utilizing communications of a first protocol and controlling transmission and reception using a second communications control circuit which transmits and receives data to and from a second medical device which is used to perform medical treatments utilizing communications of a second protocol that differs from the first protocol (emphasis added).

Wang discloses a master controller (12) that communicates with one or more slave controllers (14). However, Applicants could find no disclosure in Wang that the slave controllers use different communication protocols to communicate with their associated medical devices. In contrast, Wang makes no differentiation between the slave controllers and also does not make any differentiation between the communication protocols used in the master controller and the slave controllers. In fact, the slave controllers are treated as being the same in every respect, they are given the same reference numeral (14) and the specification expressly indicates that "Each of the at least one slave 14 is substantially similar to the master controller 12" at column 9, lines 53 and 54.

Furthermore, Wang fails to disclose a control part which transmits and receives data utilizing communications of a third protocol that is shared by the first communications control unit and the second communications control unit, and which controls the first communications control unit and the second communications control unit, as is recited in claim 1 and similarly recited in claim 7.

With regard to the rejection of claims 1-12 under 35 U.S.C. § 102(e), a medical control device and medical control device control method having the features discussed above and as recited in independent claims 1 and 7, is nowhere disclosed in Wang. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"<sup>1</sup> independent claims 1 and 7 are not anticipated by Wang. Accordingly, independent claims 1 and 7 patentably distinguish over Wang and are allowable. Claims 2-6 and 8-12 being dependent

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<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

upon claims 1 and 7 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-12 under 35 U.S.C. § 102(e).

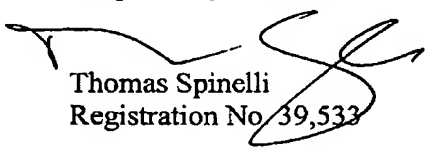
Lastly, Applicants respectfully submit that dependent claims 1-6 and 8-12 patentably distinguish over the cited reference independently of its base claim.

Wang does not disclose or suggest the control circuit controlling the first communications control circuit and the second communications control circuit on the basis of priority information. Thus, Wang fails to disclose the "priority information" (e.g., the type of medical device/the function of the medical device) as is recited in dependent claims 2-6 and 8-12.

Therefore, claims 1-6 and 8-12 patentably distinguish over Wang independently of their base claim and are allowable.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

  
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